

Appl. No. 09/929,995
Amdt. Dated December 13, 2006
Reply to final Office Action of October 13, 2006
Docket No.: 12078-142

REMARKS/ARGUMENTS

The Final Rejection of October 13, 2006 has been carefully reviewed and this response addresses the Examiner's concerns stated in the Final Office Action.

Applicants appreciate the Examiner's addressing the situation in which the Final Office Action of August 24, 2006 was replaced by the present Final Office Action due to errors in the Office Action of August 24, 2006. Applicants consider the Office Action of August 24, 2006 to be withdrawn from the record, and herein respond to the Final Office Action of October 13, 2006, which the Examiner stated in a telephone conversation to be a replacement for the Office Action of August 24, 2006.

Applicants respectfully point out that the Final Office Action states in two places that it is responsive to an election/restriction received on August 25, 2005. Applicants have filed both a Response and an election/restriction since that date, namely, on February 21, 2006, in response to the Office Action of November 17, 2005, and on May 22, 2006, in response to the election/restriction requirement of April 21, 2006, respectively. The claims presented herein, therefore, are the claims presented in the restriction/election of May 22, 2006.

I. STATUS OF THE CLAIMS

Claims 1, 3-20, and 22-24, 29-42, 45 and 47 are pending in the application. Claims 2, 21, 25-28, 43, 44, and 46 were previously cancelled without prejudice. It should be noted that this listing of pending claims varies from the listing appearing in the Final Office Action with respect to claims 43 and 44.

Claim 1 has been amended to correct an informality. No new matter has been added.

Claims 1, 3-20, 22-24, 29-42, 45, and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey et al, United States Patent # 6,647,269, issued on November 11, 2003, filed on July 5, 2001, published on August 1, 2002, priority date August 7, 2000 (Hendrey), in view of Weiss et al., United States Patent # 6,738,951, issued on May 18, 2004, filed on December 9,

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1999. Applicants respectfully point out that there is no citation for a rejection of claim 47 with respect to the combination of Hendrey and Weiss.

Claim 47 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey in view of Kahn et al., United States Patent # 5,844,544, issued on December 1, 1998 (Kahn).

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

The Final Office Action rejects claims 1, 3-20, and 22-24, 29-42, 45, and 47 under 35 U.S.C. § 103(a) as being unpatentable over Hendrey in view of Weiss. Applicants respectfully point out that there is no citation for a rejection of claim 47 with respect to the combination of Hendrey and Weiss.

It is submitted that the inventions of independent claims 1, 19, 29 and 35 are not obvious in view of any of the cited references at least because:

- (1) Weiss does not disclose any step of formatting into XML whatsoever, and neither Hendrey nor Weiss discloses or suggests Applicants' claimed forming an advertising signal containing the unsolicited advertising information which contains XML elements propagated to and received by the client device;
- (2) Nowhere do any of Hendrey, Weiss or Kahn or their combination disclose or suggest Applicants' claimed method of sending advertisements from a service or service provider to a transmitter outside of the client device, and then on to the client device;
- (3) None of Hendrey, Weiss or Kahn either separately or in combination, disclose Applicants' claimed formatting, outside the client device, unsolicited advertising information into XML elements as recited in claim 1;
- (4) None of Hendrey, Weiss or Kahn, either separately or in combination, disclose Applicants' claimed service provider data displayed using a plug-in cooperatively associated with the service information, and wherein the plug-in further comprises information about a preference of the user.

With respect to (1) above, it is submitted that Weiss does not disclose any step of formatting into XML whatsoever, and further, neither Hendrey nor Weiss discloses or suggests Applicants'

claimed forming an advertising signal containing the unsolicited advertising information which contains XML elements propagated to and received by the client device, because in neither Hendrey or Weiss does a client device receive XML elements. In Hendrey, there is no XML document at all, and in Weiss, the client receives documents formatted in Braille.

The Office Action states that, in Weiss, a proxy server that resides outside the client device reformats and transcodes the documents into XML. It is submitted, on the contrary, that Weiss's proxy server converts an XML document into a Braille document. The relevant passage from Weiss follows:

In the embodiment of FIG. 2, system 20 includes internet server 15, and an interim server 30 coupled between client machine 22 and internet server 16. Interim server 30 includes a transcoder proxy 32. Transcoder proxy 32 forwards electronic document requests from client machine 22 to internet server 16. Transcoder proxy 32 receives electronic documents . . . from internet server 16 in digital format [such as XML]. As illustrated in FIG. 1, transcoder proxy 32 includes a rule set 34. Rule set 34 includes rules for translating document 12 *from* any one of several digital document formats [such as *XML*] *to* any one of various *Braille* formats (Weiss, col. 4, lines 47-65) [Emphasis added].

The Office Action states that the prospective user or potential customer responds to the tailored advertising message by walking into the stores, and this constitutes the user response to the unsolicited advertisement. In rebuttal, it is submitted that Applicants' claimed client device, from the totality of independent claim 1 and from Applicants' Specification, is clearly an electronic device, and a response from an electronic device would be in electronic form, not a physical action by a user. Additionally, in a conversation with the Examiner on November 29, 2006, the Examiner indicated that Hendrey's response by the client device to an advertising signal was to display the advertisement. It is submitted that Applicants claim, however, *both* the steps of displaying the advertising information to the user of the client device, *and* the step of determining, by the client device, a response to the advertising signal. Neither Hendrey nor Weiss disclose or suggest Applicants' separate steps of displaying the advertising information and determining a response by the client device to the advertising signal because (1) Hendrey's handheld device simply displays advertisements and is passively tracked (Hendrey, col. 2, lines 16-17) but is not disclosed to make any separate determination of a response, and (2) Weiss's device neither receives nor responds to an advertising signal.

With respect to (2) above, nowhere do any of Hendrey, Weiss, or Kahn or their combination disclose or suggest Applicants' claimed method of sending advertisements from a service or service provider to a transmitter outside the client device, and then on to the client device. Hendrey's system includes a store having an optional connection to the Internet, a tracking system, and a mobile unit. Hendrey's tracking system does not receive advertisements from the store, but instead "creates" and "generates" advertisements. Hendrey nowhere states that the store sends advertisements to the tracking system, but instead alludes to the purchase of advertisements by a business (Hendrey, col. 3, lines 56-62). Hendrey does not describe the following stated process: that the store "sends advertising content to a mobile telecommunications unit responsive to the location of the MU" (Hendrey, col. 3, line 66 – col. 4, line 1), and therefore, it is submitted that the functionality does not exist in Hendrey to actually perform what is stated. In fact, Hendrey teaches away from Applicants' claimed method by stating that Step 202 uses location-sensitive advertising content generation subsystem 131 to create a tailored advertising message responsive to the prospect's location, and send it via telecommunication infrastructure 120 to the prospect's MU 110" (Hendrey, col. 5, lines 26-30). In other words, Hendrey's location tracking system doesn't receive the advertisement which is provided by the service and doesn't provide the advertisement to the client device as Applicants' have claimed, but instead, the advertising tracking system creates and transmits the unsolicited messages for multiple stores. Neither Weiss nor Kahn discloses sending advertisements.

(Independent claims 19 and 29)

With respect to (3) above, none of Hendrey, Weiss, or Kahn, either separately or in combination, disclose Applicants' claimed formatting, outside the client device, unsolicited advertising information into XML elements (independent claim 1). Hendrey doesn't disclose Applicants' claimed formatting at all, and Weiss accesses XML documents, but does not format documents into XML format as described above. (Independent claim 1, dependent claims 20, 30, and 36)

With respect to (4) above, none of Hendrey, Weiss, or Kahn, either separately or in combination, disclose Applicants' claimed service provider data displayed using a plug-in cooperatively associated with the service information, and wherein the plug-in further comprises information about a preference of the user because (1) user preferences in Hendry are determined in the tracking system, not the mobile unit, and (2) although users select Braille type (Weiss) and

character sets (Kahn), there is no process stated in either Weiss or Kahn for establishing user preferences, and in particular, plug-ins are not disclosed. (Dependent claims 27 and 41)

Further support for the patentability of independent claims 1, 19, 29, 35, and 47, as well as dependent claims 2-18, 20-24, 30-34, 36-42, and 45, follows.

It is submitted that independent claim 1 is not made obvious by the combination of Hendrey and Weiss because neither Hendrey nor Weiss teach Applicants' claimed formatting, outside the client device, unsolicited advertising information into XML elements. Hendrey does not specify that there is formatting done, and thus does not specify where the formatting is done. Hendrey's advertisement generation subsystem that generates advertising content, creates an advertisement about a particular set of goods, generates an advertisement relevant to a proximately located business, or generates an advertisement for goods or services (Hendrey, col. 4, lines 29-55), is not disclosed to format the advertisement into XML elements or any other particular format. Weiss's system that converts XML documents into Braille nowhere discloses formatting anything into XML elements.

It is further submitted, with respect to claim 1, that Hendrey and Weiss do not make obvious Applicants' claimed unsolicited information that includes data entry information indicating purchasing options and contact information containing instructions for enabling the client device to communicate with the service because (1) Hendrey's mobile unit (Applicants' claimed client device) does not communicate with Hendrey's store (Applicants' claimed service) because Hendrey's mobile unit is simply being tracked by Hendrey's location tracking system which monitors the geographic location of a plurality of mobile units and notifies Hendrey's tracking manager when a user is near a particular business (Hendrey, col. 4, lines 15-26), but does not provide Applicants' claimed instructions for enabling communication between the *client device* and the store, (2) Weiss's Braille display does not disclose or suggest data entry information as XML elements, and (3) neither Weiss's internet server nor Weiss's transcoder proxy is disclosed to have communication enabled with Weiss's mobile unit through Applicants' claimed XML elements that contain instructions for communication.

It is even still further submitted, with respect to independent claim 1, that, as stated above, neither Hendrey nor Weiss discloses or suggests Applicants' claimed steps of formatting, outside the

client device, unsolicited advertising information into XML elements, propagating the unsolicited advertising information to the client device, and receiving the unsolicited advertising information at the client device, because neither Hendrey nor Weiss includes a client device that receives formatted XML information. Therefore, neither Hendrey nor Weiss nor their combination can make obvious Applicants' claimed steps that include receiving formatted XML information into a client device. For these reasons, it is submitted that neither Hendrey nor Weiss nor their combination can make obvious Applicants' independent claim 1.

With respect to dependent claim 3, it is submitted that neither Hendrey nor Weiss disclose or suggest Applicants' claimed communicatively coupling the client device with the selected service because (1) in Hendrey, any communicative coupling involving Hendrey's mobile unit would be with Hendrey's location tracking system which is not associated with a particular store but with many stores, whereas Applicants' claim a coupling between the client device and a selected service, and (2) in Weiss, there is no coupling between Weiss's mobile unit and any service, but instead Weiss simply translates documents into Braille and displays the Braille on the mobile unit. With respect to (1), Hendrey teaches away from communicatively coupling the client device with a selected service because Hendrey states that upon detecting entry of a user to a particular business location, generation subsystem 131 may generate an advertisement for goods or services at lower prices at some other competing business (Hendrey, col. 4, lines 51-55). A business that was communicatively coupled with a client device would not advertise for other businesses having lower prices. Further, neither Hendrey nor Weiss discloses Applicants' claimed communicating the selection and the response to the selected service because (1) Hendrey's mobile unit communicates with Hendrey's location tracking device, not with the store, and (2) Weiss's system, limited to displaying Braille documents on a handheld device, does not encompass communication between the handheld device and any service whatsoever. It is submitted that Hendrey's location tracking isn't a "selected" service, one that would be selected based on the unsolicited advertising, because Hendrey's mobile unit isn't described to select any service, and because Hendrey's location tracking device isn't disclosed to accept any such selections, even if they were transmitted. For these reasons, it is submitted that neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claim 3.

It is submitted that dependent claims 4 and 5 are patentable at least by virtue of their indirect dependence on independent claim 1.

With respect to dependent claim 6, it is submitted that neither Hendrey nor Weiss nor their combination discloses Applicants' claimed step of formatting the user inputs, the response, and a portion of the unsolicited advertising information into a user reply to make the user inputs available to the service because (1) Hendrey does not receive user inputs, and (2) Weiss does not format a combination of user inputs, a response to unsolicited advertising, and a portion of the unsolicited advertising. With respect to (1), Hendrey's user simply moves from place to place holding the mobile unit. Hendrey's device tracking system tracks the location of the mobile unit, but no user input (at the mobile unit) as is commonly understood in the art is disclosed to be required in the system of Hendrey. Nor does Hendrey disclose a response to unsolicited advertising that can be formatted. With respect to (2), Weiss's user input is unrelated to unsolicited advertising, and thus there is no response to unsolicited advertising in the system of Weiss. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claim 6.

With respect to dependent claims 7, 8, 9, 11, and 12, it is submitted that neither Hendrey nor Weiss nor their combination discloses Applicant's claimed user reply received at the transmitter as a wireless signal or a point-of-presence (POP) or a personal data assistant (PDA) interface from the client device because (1) Hendrey's mobile unit does not receive user inputs, etc., to formulate a user reply, as Applicants have claimed, and the communication between Hendrey's mobile unit and Hendrey's location tracking system is limited to tracking the location of the mobile unit and has nothing to do with a user reply to an unsolicited advertisement, and (2) Weiss's system does not include a description of a user reply to an unsolicited advertisement, nor a transmission of such to a transmitter. With respect to (1), the Office Action states, on page 13, in paragraph 4, that the prospective user responds to the tailored advertising message by walking into the store that is relevant to the advertisement, and this constitutes a user response. It is submitted that it is not possible to format or transmit such a response as Applicants claim in dependent claims 7-9 and 11-12. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claims 7-9 and 11-12.

With respect to dependent claims 10 and 13 it is submitted that neither Hendrey nor Weiss nor their combination discloses Applicant's claimed receiving a service response from the transmitter or

POP, the service response including executable code for allowing the client device to interact with the service, because (1) Hendrey's mobile unit receives advertising content from Hendrey's advertising tracking system (Hendrey, col. 5, lines 25-30), not directly from the store as stated previously, and the user's response is simply walking into the store that is advertised, as the Office Action states, but Hendrey does not disclose any interaction between Hendrey's mobile unit and the store, and (2) Weiss doesn't disclose a service with which Weiss's handheld device can interact. With respect to (2), Weiss's system does not include the concept of a service with which the handheld device interacts, but simply provides for a translation to Braille. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claims 10 and 13.

With respect to dependent claims 14 and 15, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed conveying unsolicited information from a transmitter as an optical signal having a wavelength range of 850-1250 nanometers because neither Hendrey nor Weiss states any limitations whatsoever on the interface between the mobile unit and the telecommunication system infrastructure beyond the obvious requirement that the mobile unit have a wireless interface, whereas Applicants claim a particular type of signal, an optical signal, having a particular wavelength range. There are many types of wireless communications, and many possible wavelength ranges. The specification of those parameters in Hendrey and Weiss is beyond their scope. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claim 14 and 15.

It is submitted that dependent claim 16 is patentable at least by virtue of its indirect dependence on independent claim 1.

With respect to dependent claim 17, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed transmitter that receives the advertisement over a fiber optic network because (1) Hendrey does not place limitations on the medium over which the advertisement travels, and (2) Weiss doesn't transmit an advertisement at all. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claim 17.

It is submitted that dependent claim 18 is patentable at least by virtue of its dependence on independent claim 1.

With respect to independent claim 19, it is submitted that neither Hendrey nor Weiss nor their combination disclose or suggest Applicants' claimed step of preparing unsolicited information *by a*

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service including contact information containing instructions for enabling the *client device* to communicate with the *service* because (1) Hendrey's mobile unit does not communicate with the store and therefore does not require instructions to allow such communication, and (2) Weiss does not prepare any sort of unsolicited information. With respect to (1), Hendrey's mobile unit is tracked by a location tracking system that supplies information to the mobile unit. It is submitted that, from the totality of Hendrey's disclosure, Hendrey's location tracking system is not equivalent to Applicants' claimed service because, although it generates advertisements, it is not providing the service associated with the advertisements. The user can respond to the information at the mobile unit by physically positioning himself in the store associated with the information, but Hendrey does not disclose any way for the *client device* to interact with the store. The store and the tracking system are separate entities in Hendrey because the tracking system contains information from several different stores, and is more equivalent to Applicant's claimed transmitter. But Applicants claim that the client device and the service (Hendrey's store) communicate, which isn't possible in Hendrey. Although Hendrey's user can communicate with the store by walking in, Hendrey's mobile unit does not communicate with the store.

With further reference to independent claim 19, it is submitted that neither Hendrey nor Weiss nor their combination disclose or suggest Applicants' claimed client device having a link layer because, as pointed out in *RF Protocol Design and Reconfigurable Logic Implementation for Low Power Applicants*, Alvarez et al., Facultad de Informatica UPV/EHU, (2003) "some commercial transceivers include the physical and Media Access Control layers, . . ." but "other transceivers need all the protocol layers". For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' independent claim 19.

With respect to dependent claims 20, 30, and 36, it is submitted that neither Hendry nor Weiss nor their combination teaches or suggests Applicants' claimed unsolicited information that is comprised of an XML element because (1) Hendrey's system does not include XML elements, and (2) Weiss's XML documents are converted to Braille *before* being provided to the handheld device, which is contrary to Applicants' claimed unsolicited information (comprised of an XML element) being transmitted to the client device. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claims 20, 30, and 36.

With respect to dependent claims 22 and 23, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed conveying unsolicited information from a transmitter as a diffuse infrared signal having a wavelength range of 850-1250 nanometers because neither Hendrey nor Weiss states a wavelength range on the interface between the mobile unit and the telecommunication system infrastructure, whereas Applicants claim a particular type of signal, a diffuse infrared signal, having a particular wavelength range. There are many types of wireless communications, and many possible wavelength ranges. The specification of those parameters in Hendrey and Weiss is beyond their scope. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claims 22 and 23.

With respect to dependent claim 24, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed client device physical layer and client device link layer compatible with the link layer in the transmitter for the same reasons as stated with respect to independent claim 19. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claim 24.

With respect to independent claim 29, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed receiving an advertisement in the transmitter from a service provider and conveying the advertisement by the executable code in the transmitter to the client device because (1) Hendrey does not describe the store's providing the advertisement to the stationary unit, as stated previously, nor does Hendrey disclose executable code in a transmitter, and (2) Weiss does not disclose or suggest receiving an advertisement from anywhere. With respect to (1), as stated previously, Hendrey alludes to advertising content's being provided by the store, but nowhere states how that happens. In fact, Hendrey teaches away from Applicants' claimed receiving the advertisement by the executable code in the transmitter from a service provider because Hendrey states that advertisements are "created" and "generated" by the advertising content generation subsystem 131. Further, with respect to (1), Hendrey does not disclose where, if anywhere, the advertisement is formatted. For example, the advertisement could be created from templates that require no formatting. Further, neither Hendrey nor Weiss discloses executable code in a transmitter to perform the formatting. A transmitter could be any type of equipment, including a simple hardware device that does not include executable code whatsoever. The Office Action does not state a citation that provides a rejection for Applicants' claimed step requiring executable code in the

transmitter. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' independent claim 29.

With respect to claim 31, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed contact information containing instructions for enabling the client device to communicate with the service provider for the reasons stated with respect to claim 1. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claim 31.

With respect to dependent claims 32-34, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed conveying the advertisement from the transmitter as a diffuse infrared signal having a wavelength range of 850-1250 nanometers, generated by modulating an electric light, for the same reasons stated with respect to claims 22 and 23. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claims 32-34.

With respect to independent claim 35, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed receiving a formatted advertisement from an infrared communication signal that contains a portion of a service offered by a service provider because neither Hendrey nor Weiss stipulates a type of communications signal as stated with respect to claims 22 and 23. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' independent claim 35.

With respect to dependent claim 37, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed instructions enabling the client device to communicate with the service provider for the reasons stated with respect to independent claim 19. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claim 37.

With respect to dependent claims 38-40, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed client device physical layer and client device link layer compatible with the link layer in the transmitter for the same reason as stated with respect to independent claim 19. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claims 38-40.

With respect to dependent claims 41 and 42, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed service provider data displayed using a plug-in cooperatively associated with the service information, and wherein the plug-in further comprises information about a preference of the user because neither Hendrey nor Weiss makes mention about the use of a plug-in. In Hendrey, user preferences are determined outside of the mobile unit by a profile processed by the location-sensitive advertising content generation subsystem that generates relevant advertising content (col. 4, lines 26-41). In Weiss, no plug-in is used to determine user preferences because a user agent applies rules specific to a type of Braille to perform Weiss's translation. A plug-in is a specific type of programming device that neither Hendrey nor Weiss discloses or suggests. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claims 41 and 42.

With respect to dependent claim 45, it is submitted that neither Hendrey nor Weiss nor their combination makes obvious Applicants' claimed conveying the unsolicited information from the transmitter as a radio frequency signal for the same reasons stated with respect to claims 22 and 23. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' dependent claim 45.

With respect to independent claim 47, it is submitted that neither Hendrey nor Kahn nor their combination makes obvious Applicants' claimed contact information enabling the client device to communicate with the service for the reasons stated with respect to independent claim 1.

It is further submitted, with respect to independent claim 47, that neither Hendrey nor Kahn nor their combination makes obvious Applicants' claimed determining, by the client device, a user response to the predetermined information from user eye movement because (1) Hendrey does not disclose or suggest that the client device has any way to determine a user response and Kahn does not disclose a client device, and (2) *Uniroyal v. Rudkin-Wiley*, 5 U.S.P.Q.2d 1434, 1438 (Fed. Cir. 1988) teaches that for prior art references to be combined to render obvious a subsequent invention under 35 U.S.C. § 103, there must be something in the prior art as a whole that suggests the desirability, and thus the obviousness, of making the combination. With respect to (2), because Hendrey does not require user input, and because Kahn doesn't interface with a wireless device, nothing in the prior art as a whole suggests the desirability of combining Hendrey and Kahn, and in fact Hendrey teaches away from such a combination because Hendrey's purpose is to present information to the user, not

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to accept user input. Further, *In re Fritch*, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992) teaches that the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. For these reasons, neither Hendrey nor Weiss nor their combination can make obvious Applicants' independent claim 47.

Since Hendrey, Weiss, and Kahn, either individually or in combination, do not teach or suggest each and every element of Applicants' independent claims 1, 19, 29, 35, and 47, and claims 2-18, 20, 22-24, 30-34, and 36-42, and 45 which depend selectively therefrom, Applicants' independent claims 1, 19, 29, 35, and 47, and claims 2-18, 20, 22-24, 30-34, and 36-42, and 45, are not made obvious by Hendrey and Weiss, and a rejection under 35 U.S.C. § 103(a) is inappropriate. Applicants assert that independent claims 1, 19, 29, 35, and 47, and claims 2-18, 20, 22-24, 30-34, and 36-42, and 45, are now in condition for allowance. Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a) with regards to independent claims 1, 19, 29, 35, and 47, and claims 2-18, 20, 22-24, 30-34, and 36-42, and 45, for the reasons set forth above.

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III. CONCLUSION

Independent claims 1, 19, 29, 35, and 47 are believed to be in condition for allowance for the reasons provided herein. All dependent claims, 3-18, 20, 22-24, 30-34, 36-42, and 45, are also allowable for the reasons presented above, and further because they depend upon independent claims which are believed to be in condition for allowance, and are therefore also believed to be in condition for allowance.

Although no new fees are anticipated, the Commissioner for Patents is authorized to charge additional fees or credit overpayment to Deposit Account No. 03-2410, Order No. 12078-142.

The following information is presented in the event that a call may be deemed desirable by the Examiner: Kathleen Chapman (617) 345-3210

Respectfully submitted,
Noah J. Ternullo et al., Applicants

Date: December 13, 2006

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